



DECLARATION FOR PATENT APPLICATION

As the below-named inventors, we hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled NUCLEAR MAGNETIC RESONANCE ASSEMBLY OF CHEMICAL ENTITIES USING ADVANCED ANTENNA PROBES, the specification of which was filed on March 12, 2004, as Application Serial No. 10/799,934 (Attorney Client- Matter No. 66692-097).

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to myself to be material to patentability as defined in Title 37, Code of Federal Regulations, Sec. 1.56.

Under Sec. 1.56, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or (2) It refutes, or is inconsistent with, a position the applicant takes in: (a) Opposing an argument of unpatentability relied on by the U.S. Patent and Trademark Office, or (b) Asserting an argument of patentability.

I hereby claim the benefit under Title 35, United States Code, § 119(e) of the United States provisional application(s) listed below, which was converted to a provisional application by Petition under 37 C.F.R. Sec. 1.53(c)(2)(i), and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 that became available between the filing date of the prior application(s) listed below and the filing date of this non-provisional application:

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Serial No.: 10/799,934
Filed: March 12, 2004
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Application Serial No.	Filing Date	Status
60/455,610	March 13, 2003	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Mark Kelly

Inventor's signature: Mark Kelly

Date: 6 June, 2004

Residence: San Diego, California

Citizenship: Great Britain

Mailing Address: ~~4061 Front Street~~ 667 Rhode Island St
~~San Diego, California 92103~~ San Francisco, CA 94107

Full name of second inventor: Hugo Villar

Inventor's signature: _____

Date: _____, 2004

Residence: San Diego, California

Citizenship: Argentina

Mailing Address: 5549 Mt. Soledad Road
La Jolla, California 92037

Inventor(s): Kelly et al.
Serial No.: 10/799,934
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Application Serial No.	Filing Date	Status
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Full name of first inventor: Mark Kelly

Inventor's signature: _____

Date: _____, 2004

Residence: San Diego, California

Citizenship: Great Britain

Mailing Address: 4061 Front Street
San Diego, California 92103

Full name of second inventor: Hugo Villar

Inventor's signature: _____

Date: June 10, 2004

Residence: San Diego, California

Citizenship: ~~Argentina~~ US ju

Mailing Address: 5549 Mt. Soledad Road
La Jolla, California 92037

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Full name of third inventor: Jianqiang Wang

Inventor's signature:



Date: June 14, 2004

Residence: Woburn, Massachusetts

Citizenship: China

Mailing Address: 5 Kimball Court, Apt #501
Woburn, MA 01801

Full name of fourth inventor: Min S. Lee

Inventor's signature:

Date: _____, 2004

Residence: Madison, Wisconsin

Citizenship: United States

Mailing Address:

Inventor(s): Kelly et al.
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JUN 14 2004

McDERMOTT, WILL & EMERY

Full name of fifth inventor: Yong Qin

Inventor's signature:

Yong Qin

Date:

5/29, 2004

Residence:

Poway, California

Citizenship:

China

Mailing Address:

~~13875 Wayland Grove Ct.~~ *Current address:*
~~Poway, California 92064~~ *Dept. Nat. Med., West China School*
of Pharmacy, Sichuan University
Chengdu 610041, China

Full name of sixth inventor:

Daniel S. Sem

Inventor's signature:

Date:

_____, 2004

Residence:

New Berlin, Wisconsin

Citizenship:

United States

Mailing Address:

14230 West Glen Meadow Drive
New Berlin, Wisconsin 53151

Inventor(s): Kelly et al.
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Full name of fifth inventor: Yong Qin

Inventor's signature: _____

Date: _____, 2004

Residence: Poway, California

Citizenship: China

Mailing Address: 13875 Wayland Grove Ct.
Poway, California 92064

Full name of sixth inventor: Daniel S. Sem

Inventor's signature: _____

Date: 6/14, 2004

Residence: New Berlin, Wisconsin

Citizenship: United States

Mailing Address: 14230 West Glen Meadow Drive
New Berlin, Wisconsin 53151



PATENT

Client-Matter No.: 66692-097

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kelly et al.)
)
Serial No.: 10/799,934)
)
Filed: March 12, 2004)
)
For: NUCLEAR MAGNETIC)
RESONANCE ASSEMBLY OF)
CHEMICAL ENTITIES USING)
ADVANCED ANTENNA PROBES)

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

SMALL ENTITY STATEMENT

The U.S. Patent and Trademark (USPTO) permits parties that establish status as a Small Entity to pay certain reduced fees (all citations to 37 C.F.R. § 1.27 except as noted). To be entitled to Small Entity Status, a party must be at least one of the following:

(1) Individual person:

An individual person, including an inventor and persons to whom an inventor has transferred some rights in the invention. § 1.27(a)(1).

(2) Small business concern:

A business concern whose number of employees, including affiliates, does not exceed 500 persons. § 1.27(a)(2) (incorporating 13 C.F.R. § 121.802).

“Business concern” means individual proprietorship, partnership, limited liability company, corporation, joint venture, association, trust or cooperative. If the concern is a joint venture, participation by foreign business entities may not be more than 49%. 13 C.F.R. § 121.105.

The “number of employees” is the average number of employees, including the employees of its domestic and foreign affiliates, based on numbers of employees for each of the pay periods for the preceding

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completed 12 calendar months. "Employees" includes all individuals employed on a full-time, part-time, temporary, or other basis. Part-time and temporary employees are counted the same as full-time employees. If a concern has not been in business for 12 months, use the average number of employees for each of the pay periods it has been in business. 13 C.F.R. § 121.106.

Concerns are "affiliates" of each other when one concern directly or indirectly controls or has the power to control the other, or when a third party or parties controls or has the power to control both concerns. 13 C.F.R. § 121.103(a).

(3) Nonprofit organization:

A university or other institution of higher education located in any country. § 1.27(a)(3) (ii)(A).

An organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a). Also included are such organizations located in a foreign country that would qualify if it were located in this country. § 1.27(a)(3)(ii)(B),(D).

A nonprofit scientific or educational organization qualified under a nonprofit organization statute of a U.S. state. Also included are such organizations located in a foreign country that would qualify if it were located in this country. § 1.27(a)(3)(ii)(C),(D).

Please note that a license to the Government resulting from a rights determination under Executive Order 10096 does not constitute a license that would prohibit claiming Small Entity Status. Similarly, for small business concerns and nonprofit organizations, a license to a Federal agency resulting from a funding agreement with that agency under 35 U.S.C. § 202(c)(4) is not a license that would prohibit claiming Small Entity Status. § 1.27(a)(4).

I hereby assert that I am empowered to sign on behalf of the party identified below ("Party"). Persons empowered to sign include, but are not limited to, an inventor him- or herself or an authorized officer of an assignee or licensee. See § 1.27(c)(2).

I have made a determination of the Party's entitlement to Small Entity Status, including a determination that all parties holding rights in the invention qualify for Small Entity Status. § 1.27(f).

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I hereby assert that the Party has not assigned, granted, conveyed or licensed--and is under no obligation under contract or law to do so--any rights in the invention to any other party that would not qualify as a Small Entity.

I hereby assert that the Party is entitled to be accorded Small Entity Status by the USPTO for the application or patent identified above. § 1.27(c)(1).

I understand that Small Entity Status must be newly determined when the issue fee and each maintenance fee is due. If there is any change resulting in loss of entitlement to Small Entity Status, I acknowledge the duty to file a notification to the USPTO in this application or patent before or upon paying the fee. § 1.27(g).

I understand that Small Entity Status must be separately established in any related application, including continuation, divisional, continuation-in-part, continued prosecution application or reissue application. § 1.27(c)(4).

I understand that any attempt to establish Small Entity Status improperly, deceptively or fraudulently will be considered a fraud practiced on the USPTO and may result in abandonment of the application or jeopardize the validity and enforceability of any resulting patent. § 1.27(h).

Date: June 4, 2004



Signature

Printed Name: Stephen M. Coutts

Title: President

Triad Therapeutics, Inc.
9381 Judicial Drive
San Diego, California 92121